

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE MANUEL LEMA,

Petitioner,

vs.

No. 08-CV-915 MCA/ACT

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and MICHAEL
MUKASEY, as Attorney General,**

Defendants.

ORDER

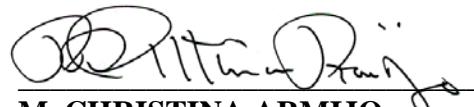
THIS MATTER comes before the Court on the Proposed Findings and Recommended Disposition of the United States Magistrate Judge entered December 19, 2008. [Doc. No. 13]. Petitioner filed objections on February 2, 2009 [Doc. No. 18].¹ The Court finds that Petitioner's objections are without merit.

IT IS THEREFORE ORDERED that the Proposed Findings and Recommended Disposition of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Petitioner's Writ of Habeas Corpus filed pursuant to 28 U.S.C. §2241 for Lack of Jurisdiction [Doc. 8] be granted, Petitioner's Cross Motion for Order Directing Setting of Bail [Doc. 10] be denied, and Petitioner's Petition for Writ of Habeas Corpus by Person in Federal Custody [Doc. 1] be

¹Petitioner's objections are untimely. The objections were not filed within ten (10) days after service of the Proposed Findings and Recommended Disposition [Doc. 13] or within ten (10) days of entry of the Ordered entered January 9, 2009 [Doc. 17].

dismissed with prejudice.


M. CHRISTINA ARMijo
UNITED STATES DISTRICT JUDGE

7/27/09